

**advocates
for justice**
chartered attorneys

225 Broadway, Suite 1902
New York, New York 10007

t. (212) 285-1400
f. (212) 285-1410

www.afjlaw.com

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Laine A. Armstrong
Principal Attorney
laine@advocatesny.com

December 2, 2020

VIA ECF

Hon. Mary Kay Vyskocil
United States District Judge
Daniel Patrick Moynihan Federal Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Emily Penzo v. Consolidated Edison Company of New York, Inc.
SDNY Dkt. No. 19-cv-7478 MKV-KP

Your Honor:

We represent Plaintiff in the above-referenced matter and submit this letter to apprise your Honor of the progress in this case and to request that the post-discovery conference scheduled before your Honor for December 14, 2020 be adjourned to January 25, 2021, as Defendant has indicated its intent to file a Motion for Summary Judgment. This is Plaintiff's first request for postponement of the post-discovery conference. The parties made two previous joint requests, one to permit them to complete depositions and one to allow the parties time to engage in a settlement conference with Magistrate Judge Parker. Both requests were granted by the Court.

The parties completed deposition questioning in this case, and Defendant has been working diligently to provide documents requested by Plaintiff during depositions or to confirm that it has no additional responsive documents. These documents include numerous emails Plaintiff maintained on her business computer and to which she lost access during discovery. Plaintiff has represented to her counsel that the documents requested establish material facts necessary for the prosecution of this action. Defendant has located some of the emails and they are being prepared for production. Plaintiff has indicated that additional emails may exist and the parties are working together to identify those.

We note that your scheduling order and your rules require the parties to file Rule 56.1 statements by December 14, 2020. Plaintiff cannot adequately respond to Defendant's Rule 56.1 Statement or make inclusive additional factual allegations until Plaintiff and counsel have

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reviewed the requested documents. Therefore, and taking into account the upcoming holidays, Plaintiff requests that the conference be adjourned to January 25, or a date thereafter that is convenient for the Court, with the joint status letter and proposed Rule 56.1 statements due one week before the conference. Defendant consents to this request.

Respectfully submitted,

/s/

Laine Alida Armstrong

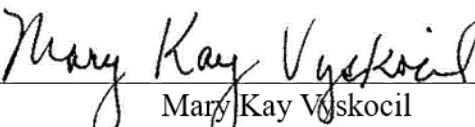
cc: Attorneys of Record, *via ecf*

The post-discovery conference scheduled for December 14, 2020, at 11:00 AM is hereby adjourned to January 12, 2021, at 2:00 PM. The parties shall file their joint status letter on or before January 5, 2021. Defendant's pre-motion letter and Local Rule 56.1 Statement in connection with its anticipated motion for summary judgment shall be filed on or before January 4, 2021. Plaintiff's response letter and 56.1 Counter-Statement shall be filed on or before January 7, 2021. The parties shall consult the Court's Individual Rules of Practice and ensure compliance therewith.

There will be no further adjournments or extensions.

SO ORDERED.

Date: 12/3/2020
New York, New York



Mary Kay Vyskocil
United States District Judge